

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

Case No. 4:19-cr-00210-01-KGB

CALVIN D. TAYLOR

DEFENDANT

ORDER

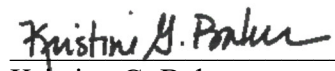
Pending are defendant Calvin D. Taylor’s motions for adjustment of sentence (Dkt. Nos. 65, 66). Applying retroactive United States Sentencing Guideline Amendment 821 lowers Mr. Taylor’s criminal history score from 12 to 11, but his criminal history category and guideline range remain the same.¹ Additionally, in the plea agreement Mr. Taylor “waive[d] the right to have the sentence modified pursuant to Title 18, United States Code, Section 3582(c)(2)” (Dkt. No. 26, at 4). Because Mr. Taylor knowingly and voluntarily entered into his plea agreement, including this waiver, he is not entitled to relief. *United States v. Cowan*, 781 F. App’x 571 (8th Cir. 2019) (affirming dismissal of a motion filed pursuant to 18 U.S.C. § 3582(c)(2) when the record established that the defendant knowingly and voluntarily entered into the plea agreement).

To the extent Mr. Taylor seeks the appointment of counsel for these motions, the Court denies his motions for adjustment of sentence and therefore denies as moot the motion for appointment of counsel to assist with these motions.

For all of these reasons, the Court denies the motions (Dkt. Nos. 65, 66).

¹ See United States Sentencing Guidelines § 1B1.10 (a)(2) (“Exclusions.—A reduction in the defendant’s term of imprisonment is not consistent with this policy statement and therefore is not authorized under 18 U.S.C. § 3582(c)(2) if— . . . an amendment listed in subsection (d) does not have the effect of lowering the defendant’s applicable guideline range.”).

It is so ordered this 3rd day of April, 2024.

A handwritten signature in black ink, appearing to read "Kristine G. Baker", written over a horizontal line.

Kristine G. Baker
Chief United States District Judge